

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

USC IP PARTNERSHIP, L.P.,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

CIVIL ACTION NO. 6:20-cv-555

JURY TRIAL DEMANDED

STIPULATED FINAL JUDGMENT OF INVALIDITY OF PLAINTIFF'S PATENT

In consideration of the Parties' Joint Motion for Entry of Stipulated Final Judgment of Invalidity of Plaintiff's Patent (the "Motion"), and good cause appearing, the Court finds, and it is HEREBY ORDERED, that:

1. The Court, by order dated December 21, 2021 (Dkt. 145, the "Order") granted Defendant Facebook, Inc's ("Facebook") Motion for Summary Judgment of Invalidity under 35 U.S.C. § 101 (Dkt. 73, the "Motion") finding all claims of the U.S. Patent No. 8,645,300 (the "'300 Patent") invalid under 35 U.S.C. § 101.

2. The Court enters FINAL JUDGMENT of invalidity of the '300 Patent and dismisses Plaintiff's claim of infringement.

3. This Stipulated Final Judgment resolves the issue of the validity of the '300 Patent. This Stipulated Final Judgment does not affect the Parties' right to raise on appeal (or cross-appeal) any other issues, and all orders and decisions in this case, that may properly be raised now or in the future. Nor does this Stipulated Final Judgment affect the Parties' right to raise following any appeal (after remand or otherwise) any other issues or defenses, that may properly be raised at that time.

4. By agreeing to the form of this Stipulated Final Judgment, but not the substance, the Parties expressly reserve the right to appeal the pre-trial orders which led to this Stipulated Final Judgment and nothing in this Stipulated Final Judgment is meant to abridge or modify that right.

5. The time for Facebook's filing of any petition, bill and/or motion under Fed. R. Civ. P. 54(d) to recover costs and/or attorneys' fees shall be tolled pending the completion of any appeal(s) of this Judgment. In the event an appeal is filed and the Judgment is affirmed, any such petition, bill and/or motion for costs and/or attorneys' fees may be filed within fourteen (14) days after entry of the mandate from the U.S. Court of Appeals for the Federal Circuit.

SIGNED this 14th day of February, 2022.


ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE